

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

HEARING DATE: 9-3-09  
HEARING TIME: 11:30

-----X  
In re:

Chapter 13  
Case No: 09-46865

**PAMELA RODGERS**

**MOTION TO EXTEND THE  
AUTOMATIC STAY**

Debtor.  
-----X

**TO: THE HONORABLE CARLA E. CRAIG  
UNITED STATES BANKRUPTCY JUDGE:**

**PAMELA RODGERS** the debtor (the "Debtor"), by her attorney, the Law Office of Frank J. Rio, and for her application for the entry of an order pursuant to section 362(c)(4)(A)(i)(B) of Title 11 of the United States Code (the "Bankruptcy Code"), seeking to have the bankruptcy stay continued as to all creditors, respectfully represents:

#### **GENERAL BACKGROUND**

1. The Debtor filed a chapter 13 bankruptcy petition on August 11, 2009.
2. This is the Debtor's second chapter 13 bankruptcy case. The first case was filed pro se on June 3, 2009 and dismissed on July 23, 2009 (see Exhibit "1" docket sheet).
3. The debtor has filed this case in good faith. The Debtor's first bankruptcy petition was filed pro se on June 3, 2009. The Debtor received a 30 day extension to file the Credit Counseling Certificate, and filed the Credit Counseling Certificate on July 1, 2009. The Court filed a notice of Deficient Filing Chapter 13 on June 3, 2009, and filed an Automatic Dismissal on July 20, 2009. The Debtor was unaware of the stringent filing deadlines in the instant matter, and was prepared to file all the deficient paperwork during the

341 meeting, however, found out at the 341 meeting that the matter was dismissed. After this dismissal, the Debtor retained counsel so that she may receive legal assistance with the correct filing of her chapter 13 petition.

### **GOOD FAITH**

4. The Debtor has filed in the instant matter in good faith in a genuine effort to begin a reasonable payment plan for her debts, and has not filed in bad faith, or for any purpose forbidden by law. As the Debtor's Affidavit indicates, she did not intentionally fail to cooperate in her first bankruptcy case. The Debtor has taken budget and credit counseling in the instant matter during the 180-day period preceding the date of filing, and has filed all of the requested schedules in her current petition.
5. The Debtor is seeking to impose the stay so as not to be harassed by her creditors through her chapter 13 bankruptcy case, and to begin the reasonable repayment of her debt to her creditors.

### **RELIEF SOUGHT**

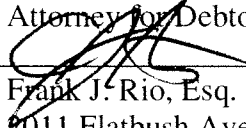
6. By this application, the Debtor seeks pursuant to Section 362(c)(4)(A)(i)(B) of the Bankruptcy Code to have the stay continued as to all of her creditors indefinitely.
7. As set forth above and in the Debtor's affidavit, the Debtor has clearly demonstrated that she is proceeding in good faith in her chapter 13 case.
8. No previous application for the relief requested herein has been made.

**WHEREFORE**, the Debtor respectfully requests that this Court enter the annexed order and grant such other and further relief as the Court deems just and proper.

Dated: August 14, 2009  
Brooklyn, New York

LAW OFFICE OF FRANK J. RIO  
Attorney for Debtor

By: \_\_\_\_\_

  
Frank J. Rio, Esq.  
2011 Flatbush Avenue  
Brooklyn, N.Y. 11234  
718 258-2255  
718 258-7058 fax.

## **EXHIBIT 1**

**PlnDue, DebtEd, DISMISSED**

**U.S. Bankruptcy Court  
Eastern District of New York (Brooklyn)  
Bankruptcy Petition #: 1-09-44663-cec**

*Date filed:* 06/03/2009*Debtor dismissed:* 07/20/2009

*Assigned to:* Carla E. Craig  
Chapter 13  
Voluntary  
Asset

*Debtor disposition:* Dismissed for Other Reason**Debtor**

**Pamela Rodgers**  
33 Vanderbilt Avenue  
Brooklyn, NY 11205  
SSN / ITIN: xxx-xx-3518

represented by **Pamela Rodgers**  
PRO SE

**Trustee**

**Michael J. Macco**  
135 Pinelawn Road  
Suite 120 South  
Melville, NY 11747  
(631) 549-7900

**U.S. Trustee**

**Diana G. Adams**  
Office of the United States Trustee  
271 Cadman Plaza East  
Suite 4529  
Brooklyn, NY 11201  
(718) 422-4960

Filing Date	#	Docket Text
06/03/2009	1	Chapter 13 Voluntary Petition. Fee Amount \$ 274 Filed by Pamela A Rodgers Government Proof of Claim due by 11/30/2009. (agh) Additional attachment(s) added on 6/3/2009 (agh). (Entered: 06/03/2009)
06/03/2009		Meeting of Creditors Chapter 13 & Appointment of Chapter 13 Trustee Michael J. Macco with 341(a) Meeting to be held on 07/14/2009 at 10:00 AM at Room 2579, 271 Cadman Plaza East, Brooklyn, NY . Proof of Claims due by 10/13/2009 . (Entered: 06/03/2009)
06/03/2009		Receipt Number 293301; Fee Amount \$ 274.00 (RE: related document(s) 1 Voluntary Petition (Chapter 13) filed by Debtor Pamela A Rodgers) (agh) (Entered: 06/03/2009)

06/03/2009	2	Exhibit D Re: Credit Counseling Requirement filed for Debtor Request for 30 day extension to file Certificate of Credit Counseling; Filed by Pamela A Rodgers (agh) (Entered: 06/03/2009)
06/03/2009	3	Deficient Filing Chapter 13 : Certificate of Credit Counseling due by 6/3/2009. Section 521 Incomplete Filings due by 7/20/2009. Summary of Schedules due 6/18/2009. Statistical Summary of Certain Liabilities due by 6/18/2009. Schedules A - J due 6/18/2009. Declaration Concerning Debtors schedules due 6/18/2009. Statement of Financial Affairs due 6/18/2009. Chapter 13 Plan due by 6/18/2009. Statement of Current Monthly Income and Means Test (Chapter 13) due by 6/18/2009. Copies of pay statements received from any employer due by 6/18/2009. Incomplete Filings due by 6/18/2009. (agh) (Entered: 06/03/2009)
06/03/2009	4	Request for Notice - Chapter 13 Meeting of Creditors and Hearing on Confirmation. Confirmation hearing to be held on 8/18/2009 at 11:00 AM at Courtroom 3529 (Judge Craig), Brooklyn, NY. Last day to Object to Confirmation 8/18/2009.Objections to 523 due by 9/14/2009. (agh) (Entered: 06/03/2009)
06/05/2009	5	BNC Certificate of Mailing - Meeting of Creditors Service Date 06/05/2009. (Admin.) (Entered: 06/06/2009)
06/05/2009	6	BNC Certificate of Mailing with Notice of Electronic Filing Service Date 06/05/2009. (Admin.) (Entered: 06/06/2009)
06/05/2009	7	BNC Certificate of Mailing with Notice of Deficient Filing Service Date 06/05/2009. (Admin.) (Entered: 06/06/2009)
06/25/2009	8	Order Approving temporary exemption from the Credit Counseling Requirement, which exemption shall expire on July 3, 2009. If the debtor(s) fails to comply with the Credit Counseling Requirement, or fails to file a motion pursuant to 11 U.S.C. § 109(h)(3)(B) requesting a further 15-day exemption, on or before July 3, 2009, this bankruptcy case may be dismissed without further notice or hearing (RE: related document(s) 2 Exhibit D Re: Credit Counseling Requirement filed by Debtor Pamela A Rodgers). Signed on 6/25/2009 (aac) (Entered: 06/25/2009)
07/01/2009	9	Certificate of Credit Counseling for Debtor Filed by Pamela A Rodgers (RE: related document(s) 3 Deficient Filing Chapter 13) (mem) (Entered: 07/01/2009)
07/14/2009		Notice of Continuance of Meeting of Creditors on 8/4/2009 at 09:15 AM at Room 2579, 271 Cadman Plaza East, Brooklyn, NY (Macco, Michael) (Entered: 07/14/2009)
07/15/2009	10	Chapter 13 Trustee's Motion to Dismiss Case. Hearing scheduled for 8/18/2009 at 11:00 AM at Courtroom 3529 (Judge Craig), Brooklyn, NY. (Macco, Michael) (Entered: 07/15/2009)
07/20/2009	14	Case Automatically Dismissed pursuant to 11 U.S.C. Section 521(i)(1) with Notice of Automatic Dismissal Sent to Debtor (jrw) (Entered: 07/23/2009)
07/21/2009	11	Final Notice of Section 521 Deficiencies (jrw) (Entered: 07/21/2009)

07/21/2009	12	Request for Judicial Determination Concerning Dismissal Pursuant to 11 U.S.C. Section 521(i) (RE: related document(s) 11 Final Notice of Section 521 Deficiencies) (jrw) (Entered: 07/21/2009)
07/23/2009	13	Order Directing Clerk's Office to dismiss this case pursuant to 11 U.S.C. Section 521(i). (RE: related document(s) 12 Request for Judicial Determination Re: 521 Documents). Signed on 7/23/2009 (jrw) (Entered: 07/23/2009)
07/23/2009	15	BNC Certificate of Mailing with Final Notice of Section 521 Deficiencies Service Date 07/23/2009. (Admin.) (Entered: 07/24/2009)
07/25/2009	16	BNC Certificate of Mailing with Notice of Automatic Dismissal of Case Service Date 07/25/2009. (Admin.) (Entered: 07/26/2009)
07/29/2009	17	Chapter 13 Trustee Final Report and Account for Dismissed Case. (Macco, Michael) (Entered: 07/29/2009)

PACER Service Center			
Transaction Receipt			
08/14/2009 13:17:15			
<b>PACER Login:</b>	fr2080	<b>Client Code:</b>	rodgers
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1-09-44663-cec Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.16

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 13

Case No: 09-46865

**PAMELA RODGERS**

Debtor.

**AFFIDAVIT OF CHANGED  
CIRCUMSTANCES**

-----X

STATE OF NEW YORK )

)ss:

COUNTY OF KINGS )


**PAMELA RODGERS** being duly sworn, deposes and says:

1. On August 11, 2009, I filed a chapter 13 petition in the Eastern District of New York.
2. This is not the first bankruptcy case I have filed. I filed a prior chapter 13 case in the Eastern District of New York on June 3, 2009 (Prior Case”), case number 1-09-44663-cec. The docket sheet of the Prior Case is attached hereto as Exhibit 1. The Prior Case was dismissed on July 20, 2009. My Prior Case was dismissed for my failure to timely file the requested schedules of my petition.
3. It is respectfully submitted that my Current Case was filed in good faith. I have filed all the required schedules of my petition in the Current Case. I have been in litigation with my current mortgage lenders, and it is my desire to set up a payment plan under chapter 13 so that I may pay back the amount that I owe over a five year period. I am requesting that the stay be imposed as to all creditors so that I may retain my principal residence and be able to pay back my debts, and so as not to be harassed through and until I complete this chapter 13 filing.

**WHEREFORE**, it is respectfully requested that this Court enter an order continuing the automatic stay and providing for such other and further relief as this Court deems just and proper.

  
PAMELA RODGERS

Sworn to before me this  
14<sup>th</sup> day of August, 2009

  
Notary Public

CHRISTOPHER J. RIO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02RI6205318  
Qualified in Kings County  
Commission Expires May 04, 2013

## **EXHIBIT 1**

**PlnDue, DebtEd, DISMISSED**

**U.S. Bankruptcy Court  
Eastern District of New York (Brooklyn)  
Bankruptcy Petition #: 1-09-44663-cec**

*Assigned to:* Carla E. Craig  
Chapter 13  
Voluntary  
Asset

*Date filed:* 06/03/2009  
*Debtor dismissed:* 07/20/2009

*Debtor disposition:* Dismissed for Other Reason

**Debtor**  
**Pamela Rodgers**  
33 Vanderbilt Avenue  
Brooklyn, NY 11205  
SSN / ITIN: xxx-xx-3518

represented by **Pamela Rodgers**  
PRO SE

**Trustee**  
**Michael J. Macco**  
135 Pinelawn Road  
Suite 120 South  
Melville, NY 11747  
(631) 549-7900

**U.S. Trustee**  
**Diana G. Adams**  
Office of the United States Trustee  
271 Cadman Plaza East  
Suite 4529  
Brooklyn, NY 11201  
(718) 422-4960

Filing Date	#	Docket Text
06/03/2009	1	Chapter 13 Voluntary Petition. Fee Amount \$ 274 Filed by Pamela A Rodgers Government Proof of Claim due by 11/30/2009. (agh) Additional attachment(s) added on 6/3/2009 (agh). (Entered: 06/03/2009)
06/03/2009		Meeting of Creditors Chapter 13 & Appointment of Chapter 13 Trustee Michael J. Macco with 341(a) Meeting to be held on 07/14/2009 at 10:00 AM at Room 2579, 271 Cadman Plaza East, Brooklyn, NY . Proof of Claims due by 10/13/2009 . (Entered: 06/03/2009)
06/03/2009		Receipt Number 293301; Fee Amount \$ 274.00 (RE: related document(s) 1 Voluntary Petition (Chapter 13) filed by Debtor Pamela A Rodgers) (agh) (Entered: 06/03/2009)

06/03/2009	2	Exhibit D Re: Credit Counseling Requirement filed for Debtor Request for 30 day extension to file Certificate of Credit Counseling; Filed by Pamela A Rodgers (agh) (Entered: 06/03/2009)
06/03/2009	3	Deficient Filing Chapter 13 : Certificate of Credit Counseling due by 6/3/2009. Section 521 Incomplete Filings due by 7/20/2009. Summary of Schedules due 6/18/2009. Statistical Summary of Certain Liabilities due by 6/18/2009. Schedules A - J due 6/18/2009. Declaration Concerning Debtors schedules due 6/18/2009. Statement of Financial Affairs due 6/18/2009. Chapter 13 Plan due by 6/18/2009. Statement of Current Monthly Income and Means Test (Chapter 13) due by 6/18/2009. Copies of pay statements received from any employer due by 6/18/2009. Incomplete Filings due by 6/18/2009. (agh) (Entered: 06/03/2009)
06/03/2009	4	Request for Notice - Chapter 13 Meeting of Creditors and Hearing on Confirmation. Confirmation hearing to be held on 8/18/2009 at 11:00 AM at Courtroom 3529 (Judge Craig), Brooklyn, NY. Last day to Object to Confirmation 8/18/2009. Objections to 523 due by 9/14/2009. (agh) (Entered: 06/03/2009)
06/05/2009	5	BNC Certificate of Mailing - Meeting of Creditors Service Date 06/05/2009. (Admin.) (Entered: 06/06/2009)
06/05/2009	6	BNC Certificate of Mailing with Notice of Electronic Filing Service Date 06/05/2009. (Admin.) (Entered: 06/06/2009)
06/05/2009	7	BNC Certificate of Mailing with Notice of Deficient Filing Service Date 06/05/2009. (Admin.) (Entered: 06/06/2009)
06/25/2009	8	Order Approving temporary exemption from the Credit Counseling Requirement, which exemption shall expire on July 3, 2009. If the debtor(s) fails to comply with the Credit Counseling Requirement, or fails to file a motion pursuant to 11 U.S.C. § 109(h)(3)(B) requesting a further 15-day exemption, on or before July 3, 2009, this bankruptcy case may be dismissed without further notice or hearing (RE: related document(s) 2 Exhibit D Re: Credit Counseling Requirement filed by Debtor Pamela A Rodgers). Signed on 6/25/2009 (aac) (Entered: 06/25/2009)
07/01/2009	9	Certificate of Credit Counseling for Debtor Filed by Pamela A Rodgers (RE: related document(s) 3 Deficient Filing Chapter 13) (mem) (Entered: 07/01/2009)
07/14/2009		Notice of Continuance of Meeting of Creditors on 8/4/2009 at 09:15 AM at Room 2579, 271 Cadman Plaza East, Brooklyn, NY (Macco, Michael) (Entered: 07/14/2009)
07/15/2009	10	Chapter 13 Trustee's Motion to Dismiss Case. Hearing scheduled for 8/18/2009 at 11:00 AM at Courtroom 3529 (Judge Craig). Brooklyn, NY. (Macco, Michael) (Entered: 07/15/2009)
07/20/2009	14	Case Automatically Dismissed pursuant to 11 U.S.C. Section 521(i)(1) with Notice of Automatic Dismissal Sent to Debtor (jrw) (Entered: 07/23/2009)
07/21/2009	11	Final Notice of Section 521 Deficiencies (jrw) (Entered: 07/21/2009)

07/21/2009	12	Request for Judicial Determination Concerning Dismissal Pursuant to 11 U.S.C. Section 521(i) (RE: related document(s) 11 Final Notice of Section 521 Deficiencies) (jrw) (Entered: 07/21/2009)
07/23/2009	13	Order Directing Clerk's Office to dismiss this case pursuant to 11 U.S.C. Section 521(i). (RE: related document(s) 12 Request for Judicial Determination Re: 521 Documents). Signed on 7/23/2009 (jrw) (Entered: 07/23/2009)
07/23/2009	15	BNC Certificate of Mailing with Final Notice of Section 521 Deficiencies Service Date 07/23/2009. (Admin.) (Entered: 07/24/2009)
07/25/2009	16	BNC Certificate of Mailing with Notice of Automatic Dismissal of Case Service Date 07/25/2009. (Admin.) (Entered: 07/26/2009)
07/29/2009	17	Chapter 13 Trustee Final Report and Account for Dismissed Case. (Macco, Michael) (Entered: 07/29/2009)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
08/14/2009 13:17:15			
<b>PACER Login:</b>	fr2080	<b>Client Code:</b>	rodgers
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1-09-44663-ccc Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.16

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 13

Case No: 09-46865

**PAMELA RODGERS**

Debtor.

-----X

**ORDER EXTENDING THE AUTOMATIC STAY**

**WHEREAS**, on August 11, 2009, PAMELA RODGERS (the "Debtor") files a voluntary petition for relief under chapter 13 of the Bankruptcy Code; and

**WHEREAS**, the Debtor had filed a previous bankruptcy petition on June 3, 2009, which was dismissed by the Court on July 20, 2009; and

**WHEREAS**, pursuant to Section 362(c)(3)(B) of the Bankruptcy Code, the automatic stay which came into effect on the petition date of August 11, 2009, would terminate on the 30<sup>th</sup> day, unless extended by further Order of the Court; and

**WHEREAS**, counsel for the Debtor moved for an Order pursuant to Section 362(c)(3)(B) of the Bankruptcy Code extending the automatic stay; and

**WHEREAS**, the Court conducted a hearing on the Motion on \_\_\_\_\_; and no opposition having been received and due deliberation having been had, and good and sufficient cause appearing therefore, the Court granted the Motion for an Order extending the automatic stay; accordingly, it is

**ORDERED** that the automatic stay shall be and hereby is extended pursuant to Section 362(c)(3)(B) of the Bankruptcy Code.

Dated:

Brooklyn, N.Y.

\_\_\_\_\_  
THE HONORABLE CARLA E. CRAIG  
UNITED STATES BANKRUPTCY JUDGE